

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

MICHAEL D. MCCAIN, SR.,

Plaintiff,

Case No. 2:15-cv-1262

vs.

CHAROLETTE JENKINS, *et al.*,

Defendants.

District Judge Michael H. Watson
Magistrate Judge Michael J. Newman

ORDER AND ENTRY: (1) GRANTING DEFENDANTS' MOTION FOR LEAVE TO MANUALLY FILE EXHIBITS (DOCS. 166); (2) GRANTING *PRO SE* PLAINTIFF'S MOTION TO WITHDRAW HIS MOTION FOR RELIEF AGAINST DEFENDANTS (DOC. 168); (3) DENYING AS MOOT PLAINTIFF'S MOTION FOR RELIEF AGAINST DEFENDANTS (DOC. 167); (4) GRANTING PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO FILE A MEMORANDUM IN OPPOSITION TO DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT (DOC. 168); AND (5) GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE A MEMORANDUM IN OPPOSITION THAT EXCEEDS THE PAGE LIMITATION (DOC. 168)

This civil case is before the Court on three separate motions, which the undersigned will address in turn. Docs. 166, 167, 168.

First, Defendants move for leave to file certain exhibits manually because of issues encountered by counsel when attempting to electronically file those exhibits in support of their second motion for summary judgment. Doc. 166. For good cause shown, Defendants' motion (doc. 166) is **GRANTED**.

Second, *pro se* Plaintiff filed a motion seeking to preclude Defendants from moving for summary judgment on the remaining claims in this case because he had not received a service copy of their second motion for summary judgment by the original filing deadline set by the Court. Doc. 167. Subsequently, Plaintiff received a service copy of Defendants' motion, as well as

service copies of the Court's order granting Defendants an extension of time to so file. Doc. 168. As a result, Plaintiff moves to withdraw his prior motion seeking relief against Defendants. Doc.168. In addition, moves for an extension of time to file a memorandum in opposition and for leave to exceed the 20-page limitation set forth in the Court's Local Rules. Doc. 168.

For good cause shown, Plaintiffs' previous motion seeking relief against Defendants (doc. 167) is deemed **WITHDRAWN** and, thus, **DENIED AS MOOT**. Plaintiff's motion for an extension of time and for leave to exceed the page limitation (doc. 168) are **GRANTED**. Accordingly, it is **ORDERED** that Plaintiff shall file his memorandum in opposition to Defendants' second motion for summary judgment on or before **January 21, 2020**. In addition, Plaintiff's memorandum in opposition may *reasonably* exceed 20 pages, but shall not exceed 50 pages in length.

IT IS SO ORDERED.

Date: December 31, 2019

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge